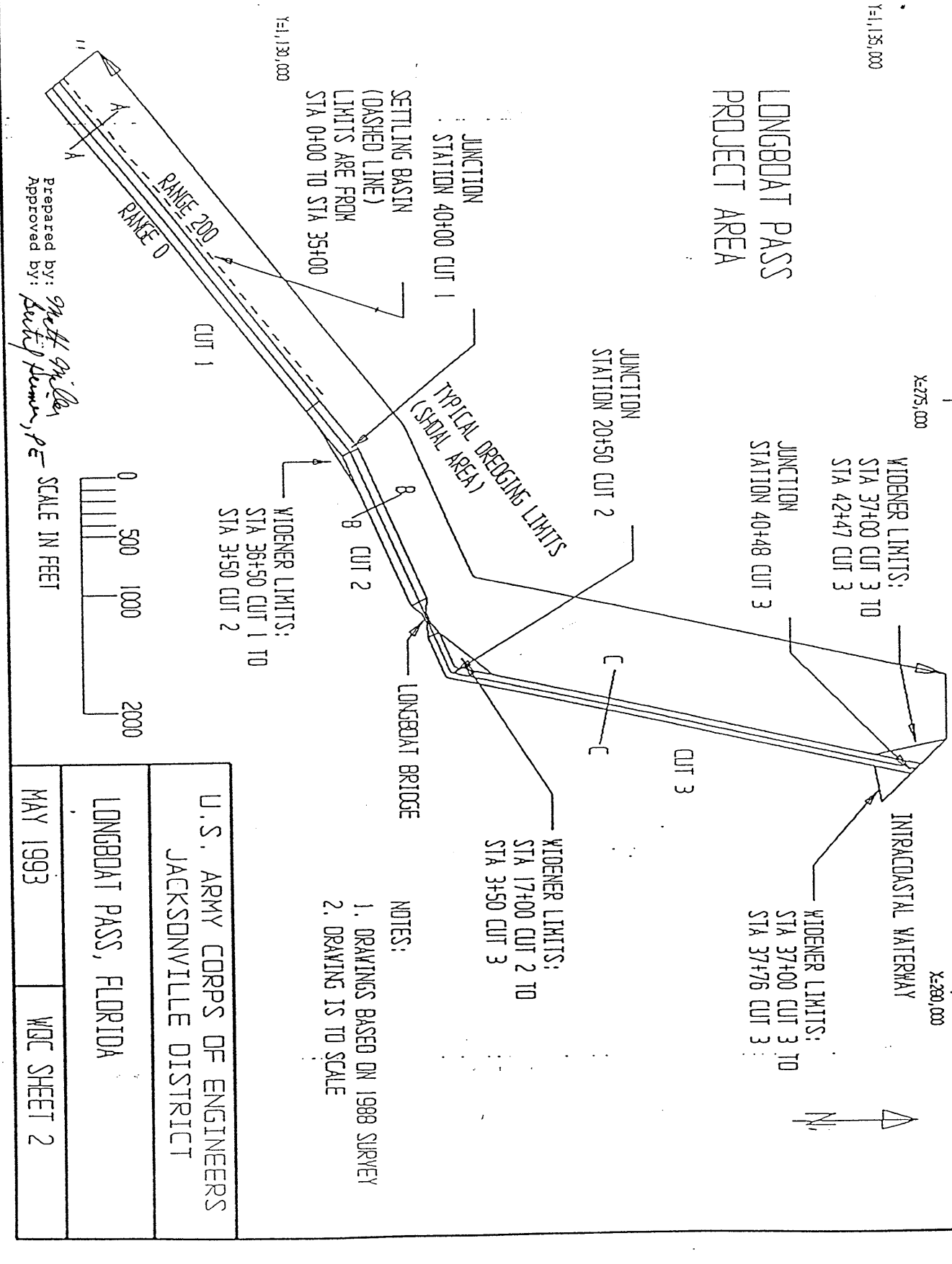


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X=275,000

X=280,000

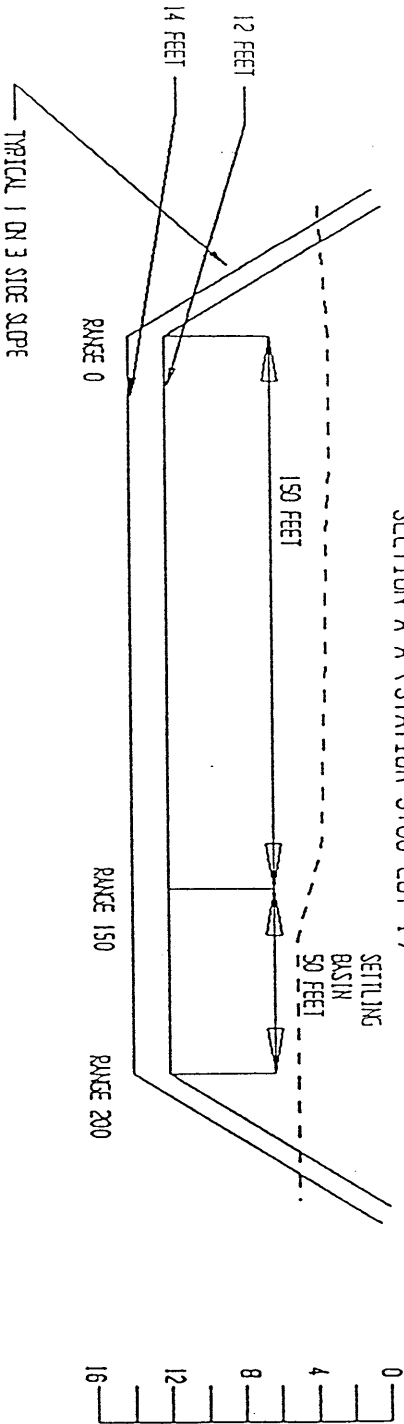
LONGBOAT PASS PROJECT AREA



- NOTES:
1. DRAWINGS BASED ON 1988 SURVEY
 2. DRAWING IS TO SCALE

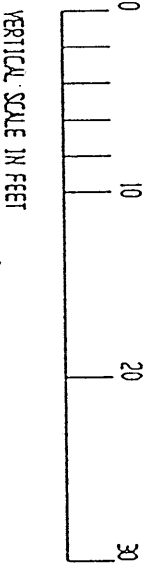
U.S. ARMY CORPS OF ENGINEERS	
JACKSONVILLE DISTRICT	
LONGBOAT PASS, FLORIDA	
MAY 1993	WOC SHEET 2

TYPICAL DREDGING SECTION SECTION A-A (STATION 5+00 CUT 1)



NOTES:

1. CROSS SECTIONAL DRAWINGS WERE DEVELOPED FROM A 1988 SURVEY
2. DASHED LINE INDICATES EXISTING BOTTOM
3. PROJECT DEPTH IS 12 FEET FROM STATION 0+00 CUT 1 TO THE CENTERLINE OF THE LONGBOAT PASS BRIDGE (CUT 2), AND 10 FEET FROM THE CENTERLINE OF THE LONGBOAT PASS BRIDGE TO THE INTRACOSTAL WATERWAY
4. TWO FEET OF ALLOWABLE OVERDEPTH IS SHOWN IN THE DRAWINGS
5. CHANNEL WIDTH IS 150 FEET FROM CUT 1 TO STATION 14+00 CUT 2, AND 100 FEET FROM STATION 17+00 CUT 2 TO THE INTRACOSTAL WATERWAY
6. DEPTHS ARE GIVEN RELATIVE TO MEAN LOW WATER (MLW)
7. MLW IS 0.8 FEET BELOW MEAN SEA LEVEL (MSL 1929)
8. SEE SHEET 3 FOR LOCATIONS



VERTICAL SCALE IN FEET



HORIZONTAL SCALE IN FEET

Prepared by: *Paul G. Miller*
Approved by: *Paul J. Miller, Jr.*

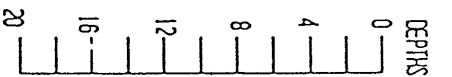
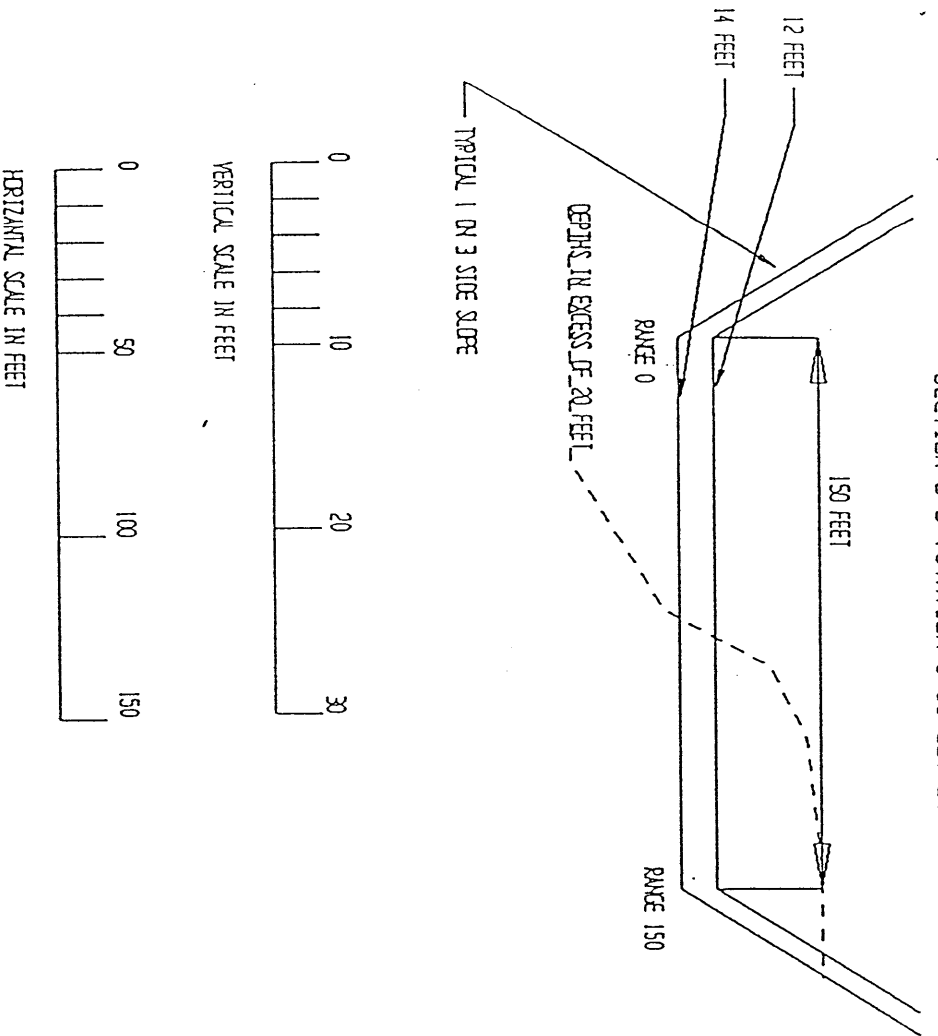
U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT

LONGBOAT PASS, FLORIDA

MAY 1993

WDC SHEET 3

TYPICAL DREDGING SECTION SECTION B-B (STATION 5+00 CUT 2)



NOTES:

1. CROSS SECTIONAL DRAWINGS WERE DEVELOPED FROM A 1988 SURVEY
2. DASHED LINE INDICATES EXISTING BOTTOM
3. PROJECT DEPTH IS 12 FEET FROM STATION 0+00 CUT 1 TO THE CENTERLINE OF THE LONGBOAT PASS BRIDGE (CUT 2), AND 10 FEET FROM THE CENTERLINE OF THE LONGBOAT PASS BRIDGE TO THE INTRACASTAL WATERWAY
4. TWO FEET OF ALLOWABLE OVERDEPTH IS SHOWN IN THE DRAWINGS
5. CHANNEL WIDTH IS 150 FEET FROM CUT 1 TO STATION 14+00 CUT 2, AND 100 FEET FROM STATION 17+00 CUT 2 TO THE INTRACASTAL WATERWAY
6. DEPTHS ARE GIVEN RELATIVE TO MEAN LOW WATER (MLW)
7. MLW IS 0.8 FEET BELOW MEAN SEA LEVEL (MSL 1929)
8. SEE SHEET 3 FOR LOCATIONS

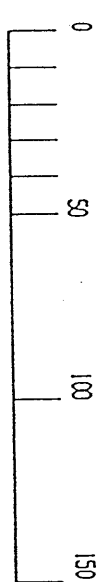
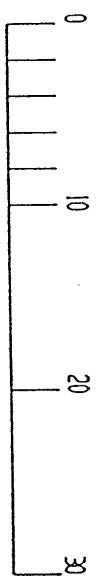
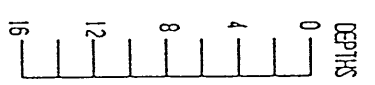
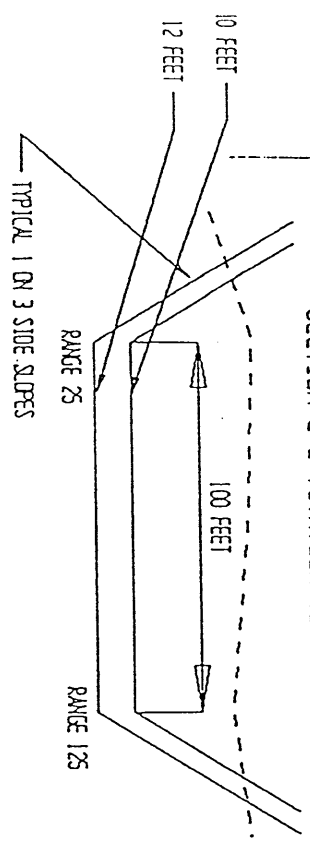
U.S. ARMY CORPS OF ENGINEERS
JACKSONVILLE DISTRICT
LONGBOAT PASS, FLORIDA

MAY 1993

WDC SHEET 4

Prepared by: *Jeff Miller*
Approved by: *Billy Johnson*

TYPICAL DREDGING SECTION SECTION C-C (STATION 13+00 CUT 3)



HORIZONTAL SCALE IN FEET

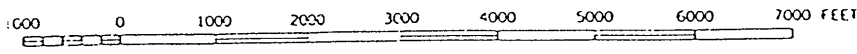
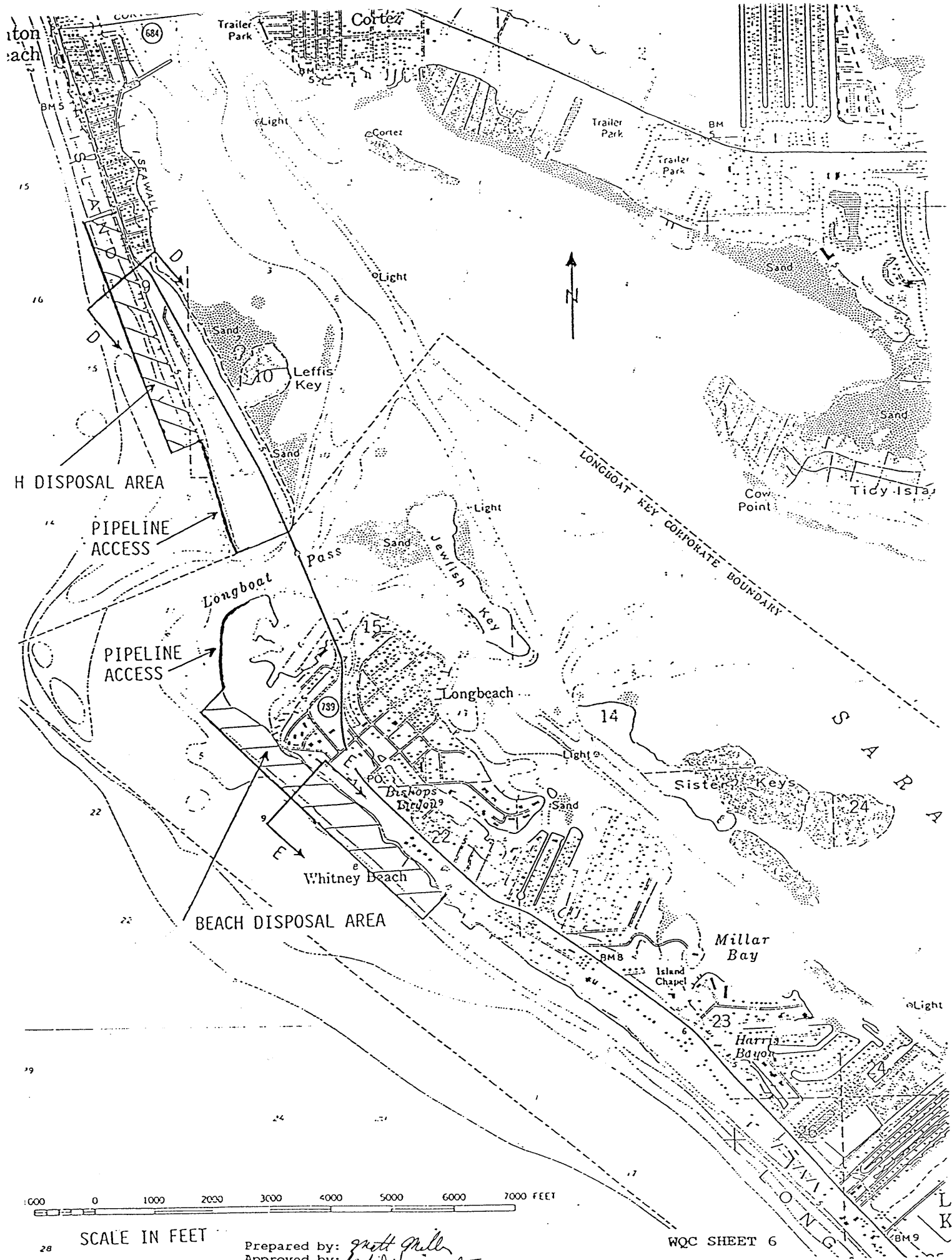
VERTICAL SCALE IN FEET

NOTES:

1. CROSS SECTIONAL DRAWINGS WERE DEVELOPED FROM A 1988 SURVEY
2. DASHED LINE INDICATES EXISTING BOTTOM
3. PROJECT DEPTH IS 12 FEET FROM STATION 0+00 CUT 1 TO THE CENTERLINE OF THE LONGBOAT PASS BRIDGE (CUT 2), AND 10 FEET FROM THE CENTERLINE OF THE LONGBOAT PASS BRIDGE TO THE INTRACASTAL WATERWAY
4. TWO FEET OF ALLOWABLE DREDGEDEPTH IS SHOWN IN THE DRAWINGS
5. CHANNEL WIDTH IS 150 FEET FROM CUT 1 TO STATION 14+00 CUT 2, AND 100 FEET FROM STATION 17+00 CUT 2 TO THE INTRACASTAL WATERWAY
6. DEPTHS ARE GIVEN RELATIVE TO MEAN LOW WATER (MLW)
7. MLW IS 0.8 FEET BELOW MEAN SEA LEVEL (MSL 1929)
8. SEE SHEET 3 FOR LOCATIONS

U.S. ARMY CORPS OF ENGINEERS	
JACKSONVILLE DISTRICT	
LONGBOAT PASS, FLORIDA	
MAY 1993	WDC SHEET 5

Prepared by: *Mark Miller*
Approved by: *Paul J. Hanner, PE*



SCALE IN FEET

Prepared by: *Gott Miller*
Approved by: *Barb Newman PE*

WQC SHEET 6

Bradenton Beach

684

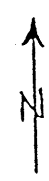
Trailer Park

BM 5

BM 5

Light

Cortez



Light

NORTH BEACH DISPOSAL AREA

SEAWALL

IMATE EQUILIBRIUM
FILL (500 FEET FROM SHORE)

Sand

Leffis Key

Sand

PIPELINE ACCESS

Sand

Pass

pared by: *Matt Miller*
proved by: *Butler Deemer PE*

SCALE IN FEET

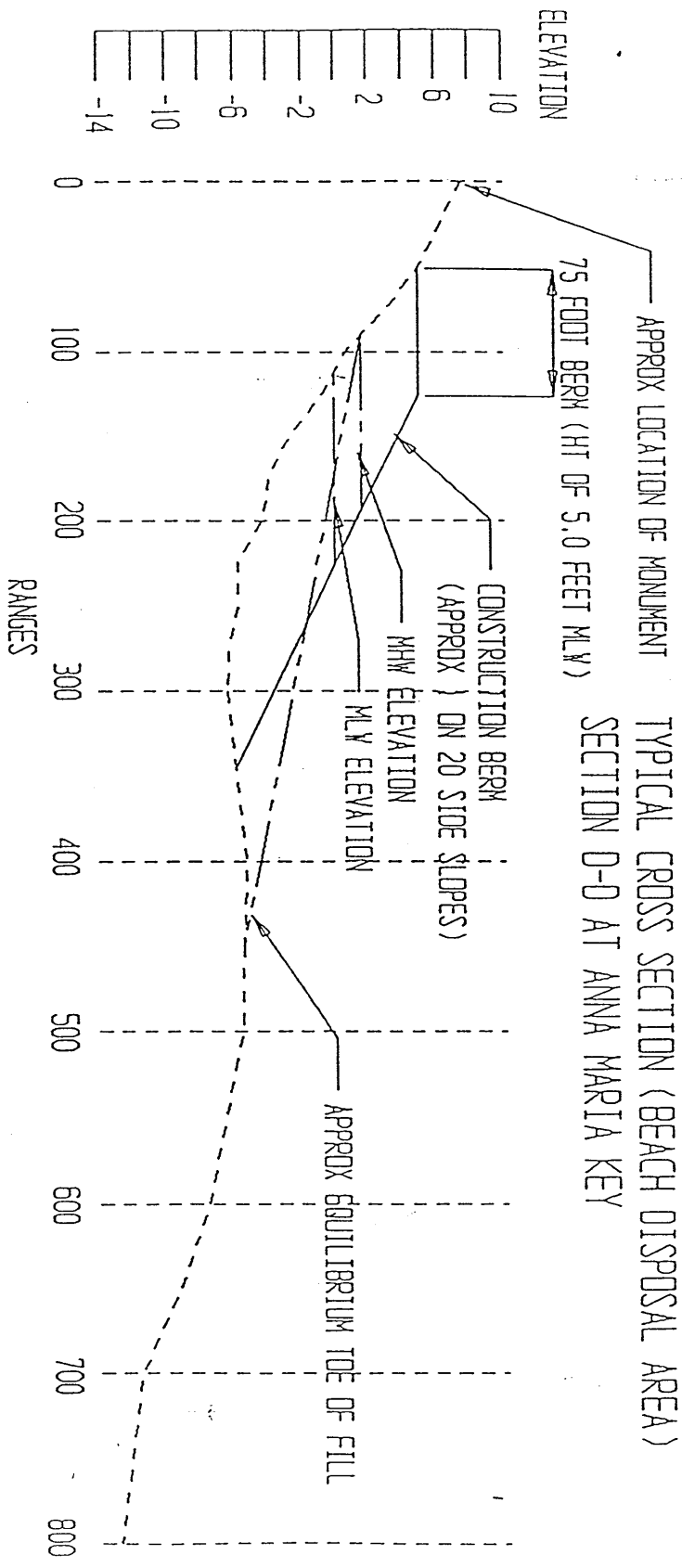
1000 2000 3000 4000

Longboat

WQC SHEET 7

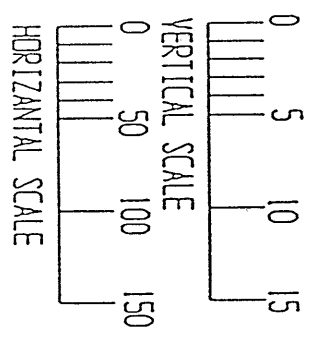
15

TYPICAL CROSS SECTION (BEACH DISPOSAL AREA) SECTION D-D AT ANNA MARIA KEY



NOTES:

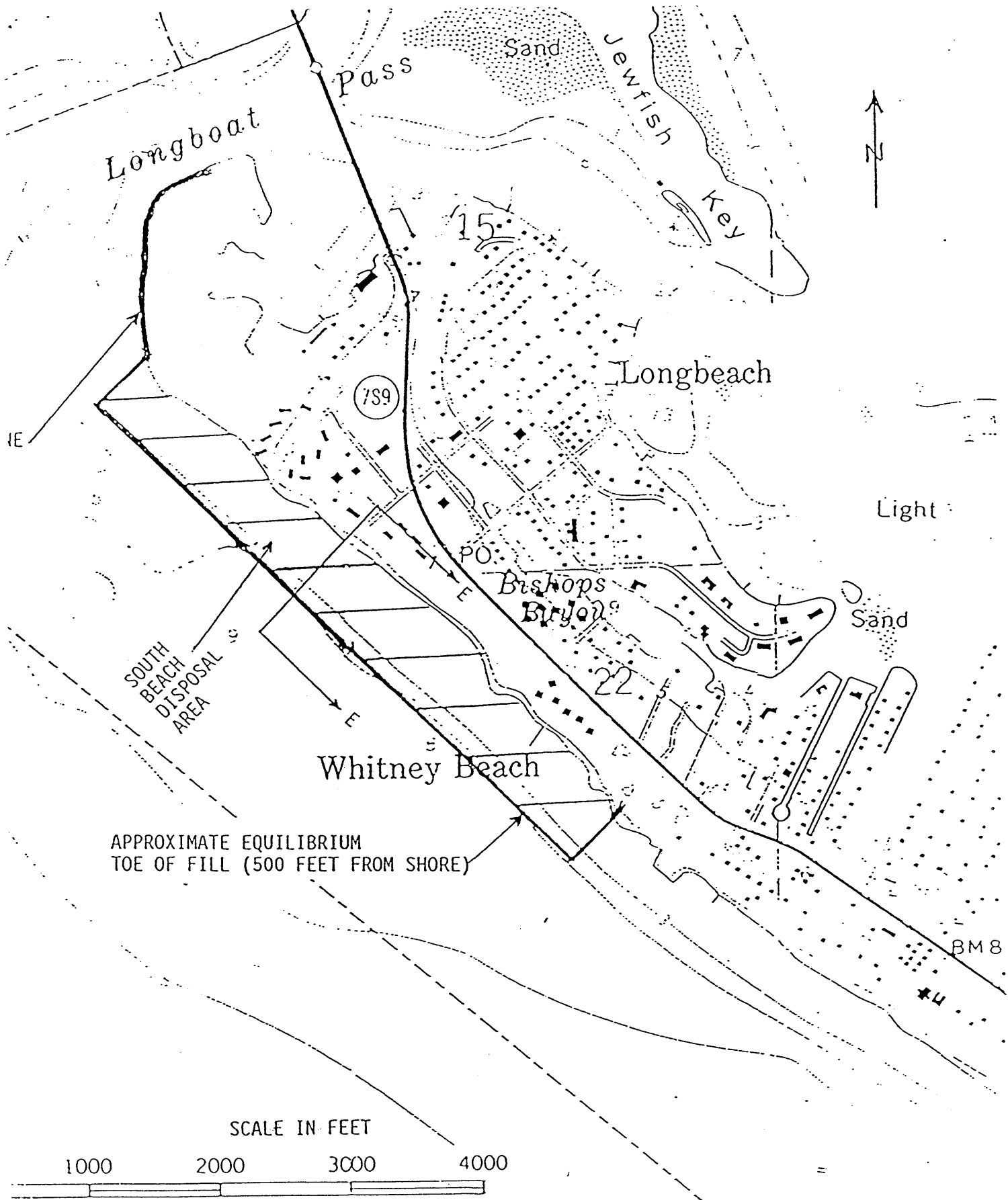
1. PROFILE DEVELOPED FROM A 1988 SURVEY
2. ELEVATION RELATIVE TO MEAN LOW WATER (MLW)
3. MLW IS 0.5 FEET BELOW MEAN SEA LEVEL (NGVD 1929)
4. MEAN HIGH WATER (MHW) IS 1.6 FEET ABOVE MLW
5. PROFILE LOCATED ABOUT 5000 FEET NORTH OF LB PASS OR ADJACENT TO LBPL-7



LEGEND:

- CONSTRUCTION BERM
- EXISTING BOTTOM
- MLW AND MHW ELEVATIONS
- APPROXIMATE EQUILIBRIUM TIDE OF FILL

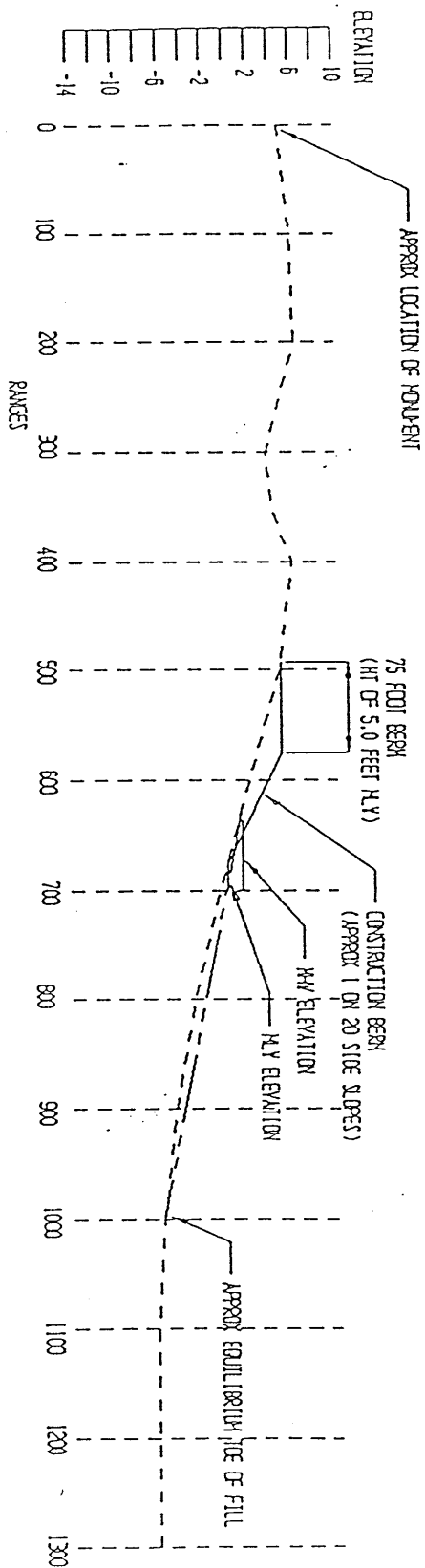
U.S. ARMY CORPS OF ENGINEERS JACKSONVILLE DISTRICT	
LONGBOAT PASS, FLORIDA	
MAY 1993	WDC SHEET 8



WQC SHEET 9

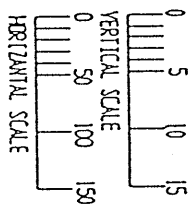
Prepared by: *Jeff Mula*
Approved by: *Keith Hermer P.E.*

TYPICAL CROSS SECTION (BEACH DISPOSAL AREA) SECTION E-E AT LONGBOAT KEY



NOTES:

1. PROFILE DEVELOPED FROM A 1988 SURVEY
2. ELEVATION RELATIVE TO MEAN LOW WATER (MLW)
3. MLW IS 0.8 FEET BELOW MEAN SEA LEVEL (MSL) (NOV 1929)
4. MEAN HIGH WATER (MHW) IS 1.4 FEET ABOVE MLW
5. PROFILE LOCATED ABOUT 3000 FEET SOUTH OF LB PASS OR ADJACENT TO MCE-63



LEGEND:

- CONSTRUCTION BEACH
- EXISTING PROFILE
- MLW AND MHW ELEVATIONS
- APPROXIMATE EQUILIBRIUM HLY OF FILL

Prepared by: *Paul H. Quinn*
Approved by: *Paul H. Quinn* PE

U.S. ARMY CORPS OF ENGINEERS	
JACKSONVILLE DISTRICT	
LONGBOAT PASS, FLORIDA	
MAY 1993	MDC SHEET 10



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State

DIVISION OF HISTORICAL RESOURCES

R.A. Gray Building
500 South Bronough

Tallahassee, Florida 32399-0250

Director's Office

Telecopier Number (FAX)

(904) 488-1480

(904) 488-3353

December 14, 1993

Mr. Giralmo DiChiara, Chief
Construction-Operations Division
Environmental Resources Branch
USACOE, Jacksonville District
P.O. Box 4970
Jacksonville, Florida 32232-0019

In Reply Refer To:
Susan Hammersten
Compliance Review
Section, DHR
(904) 487-2333
PFN: 933784

Re: Public Notice Number: PN-LBP-182
Maintenance Dredge of Longboat Pass
Manatee County, Florida

Dear Mr. DiChiara:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the above referenced project(s) for possible impact to archaeological and historical sites or properties listed, or eligible for listing, in the National Register of Historic Places. The authority for this procedure is the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

It is the opinion of this agency that because of the project nature it is unlikely that archaeological or historical sites will be affected. Therefore, it is the opinion of this office that the proposed project will have no effect on any historic properties listed, or eligible for listing in the National Register. The project may proceed without further involvement with this agency.

If you have any questions concerning our comments, please do not hesitate to contact us. Your interest in protecting Florida's historic properties is appreciated.

Sincerely,

for *Laure A. Kammerer*
George W. Percy, Director
Division of Historical Resources

and
State Historic Preservation Officer



United States Department of the Interior

FISH AND WILDLIFE SERVICE

P.O. BOX 2676

VERO BEACH, FLORIDA 32961-2676

March 21, 1994

Colonel Terrence C. Salt
District Engineer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

Attn: Construction-Operations Division

FWS Log No: 4-1-94-322
Application No: PN-LBP-182
Dated: November 23, 1993
Applicant: Corps of Engineers
County: Manatee

Dear Colonel Salt:

The U.S. Fish and Wildlife Service (Service) has reviewed the above referenced public notice. This report is submitted in accordance with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.). This report represents the views of the Department of the Interior and satisfies the consultation requirements of Section (7)(a)(2) of the Endangered Species Act, as amended (16 U.S.C. 1531 et seq.).

According to the public notice, maintenance dredging of Longboat Pass is proposed with the dredged sand placed on beach disposal sites located on Anna Maria Island and Longboat Key.

The threatened loggerhead sea turtle nests on these beaches and the proposed beach disposal may adversely impact these turtles. These turtles nest from March 1 to November 30, therefore, your plans should either avoid beach disposal during the nesting season or you should implement a turtle nest relocation program. Your plans state that you will enter formal consultation with the Service concerning the impact of this proposed project on endangered species and at that time we will provide detailed recommendations to protect these species.



PPI



FLORIDA GAME AND FRESH WATER FISH COMMISSION

JOE MARLIN HILLIARD
ClewistonJ. BEN ROWE
GainesvilleJULIE K. MORRIS
SarasotaQUINTON L. HEDGEPEETH, DDS
MiamiMRS. GILBERT W. HUMPHREY
MiccosukeeALLAN L. EGBERT, Ph.D., Executive Director
WILLIAM C. SUMNER, Assistant Executive DirectorFARRIS BRYANT BUILDING
620 South Meridian Street
Tallahassee, FL 32399-1600
(904) 488-1960
TDD (904) 488-9542

June 16, 1994

Ms. Virginia Wetherell, Secretary
ATTN: Ms. Janet Llewellyn
Department of Environmental Protection
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

RE: DEP #412376569, Manatee
County, U.S. Army Corps of
Engineers, Longboat Pass

Dear Ms. Wetherell:

The Office of Environmental Services of the Florida Game and Fresh Water Fish Commission (FGFWFC) has reviewed this permit application received from the Department of Environmental Protection, dated April 1, 1994. A copy of this letter will be sent to the U.S. Army Corps of Engineers, Jacksonville District, in compliance with the Fish and Wildlife Coordination Act.

The applicant proposes to dredge 200,000 to 250,000 cubic yards of marine sediments from Longboat Pass every 5 years. Proposed design depth is 14 feet below mean low water. Excavated material will be placed at two beach sites, North Beach and South Beach. The North Beach site will extend from the terminal jetty at the south end of Anna Maria Island to 4,000 feet north of the jetty. The South Beach site is located from the northern tip of Longboat Key southward for a distance of 3,000 feet on Whitney Beach.

In previous reviews of beach renourishment projects of Longboat Key, (DER #411938039 & #591938039, USACOE #IP-MN 199100296, Town of Longboat Key), the FGFWFC identified extensive shorebird use in the proposed South Beach spoil disposal site. Nesting by snowy plover (threatened - T), least tern (T), Wilson's plover, and black skimmer (species of special concern) has been documented for northern Longboat Key south to the southern boundary of the Whitney Beach Condominium. Utilization of this same area by the overwintering piping plover (T) is confirmed by annual site visits by our biologists. Nearshore waters also possess significant forage fishery values. Numerous diving birds (terns, gulls, pelicans, and cormorants) have been observed to feed on schools of silversides in the project area. Northern Longboat Key is an important "loafing" area for smaller shorebirds, including sandpipers, plovers, and willet.


Ms. Virginia Wetherell
June 16, 1994
Page 2

Impacts to listed shorebird species, including least tern, snowy plover, black skimmer, and piping plover, will occur if the project is implemented as currently designed. To address this concern, we recommend that no spoil placement or equipment occur at the South Beach site in the area utilized by the least tern, snowy plover, and black skimmer during their spring and summer nesting season. This would limit the northern extent of the spoil placement, from March 15 to August 31, to the beach area immediately south of the Whitney Beach Condominium.

We also recommend that the South Beach area be surveyed for piping plover between November 25 and March 15. If plovers are located, areas of plover activity should be marked with flagged stakes and signage for their protection. If beach renourishment activities are planned to occur concurrently with piping plover use in the South Beach area, the Florida Game and Fresh Water Fish Commission should be contacted for on-site recommendations for spoil, pipe, and equipment placement for beach renourishment activities.

If you have any questions, please contact Jim Beever at SUNCOM 721-7570, (813) 639-3515, at our Punta Gorda office.

Sincerely,


Bradley J. Hartman, Director
Office of Environmental Services

BJH/JWB3/lav
ENV 1-2-2
longboat.dep
cc: USFWS, Vero Beach

Colonel Terrence C. Salt
District Engineer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0012

APPENDIX V

COASTAL ZONE CONSISTENCY DETERMINATION

Florida Coastal Zone Management Program Federal Consistency Evaluation Procedures

1. Chapter 161, Beach and Shore Preservation.

The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: The dredging would occur within an established Federal project. The dredged material would be placed along the beach north and south of Longboat Pass in accordance with the wishes of the State of Florida. The material would help supplement the sand within the littoral drift zone. Therefore, the dredging and beach placement would be in compliance with the goals of this chapter.

2. Chapters 186 and 187, State and Regional Planning.

These chapters establish the State Comprehensive Plan which sets goals that articulate a strategic vision of the State's future. It's purpose is to define in a broad sense, goals, and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: The proposed work has been coordinated with the State without objection.

3. Chapter 252, Disaster Preparation, Response and Mitigation.

This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: The dredging and disposal of material on the beaches north and south of the Pass will protect the navigation channel which could be used in emergency situations for transportation purposes. Placing the material on the beach will help protect the adjacent properties during storm surges. Therefore, this work would be consistent with the efforts of Division of Emergency Management.

4. Chapter 253, State Lands.

This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; beaches and dunes; submerged grass beds and other benthic communities; swamps, marshes and other wetlands; mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: The maintenance dredging Longboat Pass and the use of the beaches north and south of the Pass have been previously accomplished. The use of these State lands has been previously approved by the State. The proposal would comply with the intent of this chapter.

5. Chapters 253, 259, 260, and 375, Land Acquisition.

This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: Since the affected property already is in public ownership, this chapter would not apply.

6. Chapter 258, State Parks and Aquatic Preserves.

This chapter authorizes the state to manage state parks and preserves. Consistency with this statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management or operations.

Response: The proposed work would not affect any state parks or preserves, and would, therefore, be consistent with this chapter.

7. Chapter 267, Historic Preservation.

This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: The maintenance of existing navigation channels and use of the disposal areas has been coordinated with the State Historic Preservation Officer. Procedures will be implemented to avoid impacts on unknown archeological resources within the navigation channel. Therefore, the work will be consistent with the goals of this chapter.

8. Chapter 288, Economic Development and Tourism

This chapter directs the state to provide guidance and promotion of beneficial

development through encouraging economic diversification and promoting tourism.

Response: The maintenance dredging of the navigation channel encourages economic growth of the area. The additional material placed on the beach helps preserve recreational uses of the beach for tourism. Therefore, the work would be consistent with the goals of this chapter.

9. Chapters 334 and 339, Public Transportation.

This chapter authorizes the planning and development of a safe balanced and efficient transportation system.

Response: The maintenance dredging of the navigation channel promotes navigation within the Pass and the Gulf Intracoastal Waterway.

10. Chapter 370, Saltwater Living Resources.

This chapter directs the state to preserve, manage and protect the marine, crustacean, shell and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fishermen and vessels of the state engaged in the taking of such resources within or without state waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and, to conduct scientific, economic, and other studies and research.

Response: The maintenance dredging of this area would not adversely affect saltwater living resources. The material to be placed on the north beach could affect some nearshore hardbottoms. The area was moved to avoid these areas. Based on the overall impacts of the work, the work is consistent with the goals of this chapter.

12. Chapter 372, Living Land and Freshwater Resources.

This chapter establishes the Game and Freshwater Fish Commission and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions which provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: No living land or freshwater resources would be impacted by the maintenance dredging. Therefore, the work would comply with the goals of this chapter.

13. Chapter 373, Water Resources.

This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: This work does not involve water resources as described by this chapter.

14. Chapter 376, Pollutant Spill Prevention and Control.

This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: This work does not involve the transportation or discharging of pollutants. Condition will be placed in the contract to handle any inadvertent spill of pollutants. Therefore, the project would comply with this Act.

15. Chapter 377, Oil and Gas Exploration and Production.

This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Response: This work does not involve the exploration, drilling or production of gas, oil or petroleum product and therefore does not apply.

16. Chapter 380, Environmental Land and Water Management.

This chapter establishes criteria and procedures to assure that local land development decisions consider the regional impact nature of proposed large-scale development.

Response: The maintenance dredging of the navigation channel has been coordinated with the local regional planning commission. Therefore, the work would be consistent with the goals of this chapter.

17. Chapter 388, Arthropod Control.

This chapter provides for a comprehensive approach for abatement or suppression of mosquitoes and other pest arthropods within the state.

Response: The work would not further the propagation of mosquitoes or other pest arthropods.

18. Chapter 403, Environmental Control.

This chapter authorizes the regulation of pollution of the air and waters of the

state by the DEP.

Response: The DEP has issued a water quality certification for the project. No air pollution permits are necessary for the project. Effects of the operation of construction equipment on air quality would be minor. Therefore, the work is complying with the intent of this chapter.

19. Chapter 582, Soil and Water Conservation.

This chapter establishes policy for the conservation of the state soil and water through the Department of Agriculture. Land use policies will be evaluated in terms of their tendency to cause or contribute to soil erosion or to conserve, develop, and utilize soil and water resources both onsite or in adjoining properties affected by the work. Particular attention will be given to work on or near agricultural lands.

Response: The proposed work would not contribute to the erosion of valuable topsoil used for agricultural purposes. Therefore, the project would comply with this chapter.

APPENDIX IV

COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS

COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS.

1. National Environmental Policy Act of 1969, as amended. Environmental information on the project has been compiled and the draft Environmental Assessment, was made available for public review through the public notice (PN-LBP-182) in compliance with 33 CFR Parts 335-338. These regulations govern the Operations and Maintenance of US Army Corps of Engineers Civil Works Projects involving the Discharge of Dredged or Fill Material into Waters of the US or Ocean Waters. This public coordination and environmental impact assessment complies with the intent of NEPA. The process will fully comply with the Act once the Findings of No Significant Impact has been signed by the District Commander.

2. Endangered Species Act of 1973, as amended. Consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service in accordance with Section 7 of the Act was initiated by letter dated 24 January 1990. The letter to the NMFS determined that there would be no Effects on species listed as threatened or endangered under their jurisdiction and requested concurrence in that determination. By letter dated 6 February 1990, the NMFS concurred in that determination. The letter to the USFWS stated there would be no effects on manatees should special conditions for protection of manatees be incorporated into the Plans and Specifications. The letter to USFWS also made a determination that the project May Effect nesting sea turtles listed by the USFWS as threatened or endangered and requested that the USFWS prepare a Biological Opinion. By letter dated 3 April 1990, the USFWS prepared a BO for the project determining that there would be no impacts on the manatee and that the project would not jeopardize the continued existence of nesting sea turtles if a nest monitoring and relocation program occurred during the 1 March through the 30 November time frame and that beach tilling is required if compaction above 500 cpu's occurs. During the public notice process it was brought to our attention that the piping plover winters over in the project area. By letter dated 31 August 1994, we initiated consultation with the USFWS by making a No Effects determination and requesting concurrence in that determination. The USFWS responded by letter dated 19 September 1994 concurring in the determination but recommended that the recommendations of the Florida Game and Freshwater Fish Commission concerning migratory bird surveys and nesting season avoidance be implemented. We responded by letter dated 25 October 1994, stating that the recommendations were for migratory bird nesting and monitoring and were not a piping plover issue since they only winter over. Migratory bird impacts would be minimized by the implementation of the District Migratory Bird Protection Policy. No response was received in return from USFWS.

This project was fully coordinated under the Endangered Species Act; therefore, this project is in full compliance with the Act.

3. Fish and Wildlife Coordination Act of 1958, as amended. The project has been coordinated with the USFWS during the public notice period. The USFWS responded by letter dated 21 March 1994 stating that sea turtle nesting season should be avoided, but if it couldn't that a nest relocation program be implemented. Therefore, the project is in compliance with the Act.

4. National Historic Preservation Act of 1966, as amended (PL 89-665). An archival and literature review, including review of the current National Register of Historic Places listing and consultation with the Florida State Historic Preservation Officer (SHPO), has been conducted to determine if significant cultural resources are located within the area of impact for the proposed project. No significant cultural resources are recorded within the area of impact, but no systematic surveys have been conducted for the project area. It is not likely that significant cultural resources will be affected by maintenance of the existing Federal channel and the District has determined that placement of dredged material on either the north or south beach disposal area will not have an adverse effect on significant cultural resources. The SHPO concurred with this determination in a letter dated December 14, 1993. Therefore, the project is in compliance with this Act and with the Archeological and Historic Preservation Act, as amended (PL 93-291).

5. Clean Water Act of 1972, as amended.

5.1. Section 401. A Water Quality Certification was issued by the Florida Department of Environmental Regulation for a 10-year period by Permit No. 412376569 dated 3 October 1995.

5.2. Section 404. The purpose of Section 404(b)(1) of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the waters of the United States through the control of discharges of dredged or fill material. Controls are established through restrictions placed on the discharges in Guidelines published in 40 CFR 230. The return water discharge is subject to evaluation pursuant this Section.

5.2.1. Restrictions on the Discharge: Section 230.10 requires that the discharge meet certain restrictions in order to be authorized. The project is to be evaluated and comply with the following restrictions: (a) there would be no other practicable alternatives to the proposal that would have less adverse impacts on the aquatic environment, (b) that the discharge would not adversely impact water quality, violate State water quality standards, toxic effluent standards, or jeopardize the continued existence of a threatened or endangered species as identified under the Endangered Species Act, (c) the discharge would not cause or contribute to the significant degradation of waters of the United States, or (d) the project would be designed in such a manner as to minimize to the extent possible the adverse impacts on the aquatic environment.

5.2.2. Initial Evaluation: An evaluation of the dredged material was conducted in accordance with Part 230.61 (Appendix I). The impacts are addressed in the EA and are primarily related to a minor increases in turbidity levels adjacent to the disposal area from the return water in the surf zone. Since there would be no other practicable alternatives to the proposal, the adverse impacts have been minimized to the extent possible, and no other restrictions have been violated, and, consequently, the proposed work would comply with the restrictions in Section 230.10. In addition, there is no indication that the return water from the dredged material to be used for the project would be contaminated above background levels. Therefore, the dredged material is designated as a Category 1 discharge and, in accordance with Part 230.63(a), no testing of chemical-biological interactive affects

is required.

5.2.3 Factual Determination: Based on the probable impacts addressed above, compliance with the restrictions, and all other information concerning the fill materials to be used, the proposed work would comply with the Guidelines and the intent of Section 404(b)(1) of the Clean Water Act.

6. Clean Air Act of 1972, as amended. No air quality permits will be required for this project. Therefore, this Act would not be applicable.

7. Coastal Zone Management Act of 1972, as amended. The project has been evaluated in accordance with Section 307 of the Coastal Zone Management Act. It has been determined that the project would have no unacceptable impacts and would be consistent with the Florida Coastal Management Plan (Appendix V). In accordance with the 1979 Memorandum of Understanding and the 1983 Addendum to the Memorandum concerning acquisition of water quality certifications and other State of Florida authorizations, the preliminary Environmental Assessment and Section 404(b)(1) Evaluation have been submitted to the State in lieu of a summary of environmental impacts to show consistency with the Florida Coastal Zone Management Plan. Final state concurrence is issued concurrently with the issuance of the Water Quality Certification.

8. Farmland Protection Policy Act of 1981. No prime or unique farmland will be impacted by implementation of this project. This act is not applicable.

9. Wild and Scenic River Act of 1968, as amended. No designated Wild and Scenic river reaches will be affected by project related activities. This act is not applicable.

10. Marine Mammal Protection Act of 1972, as amended. Incorporation of the safe guards used to protect manatees during dredging and disposal operations will be implemented during construction, therefore, this project is in compliance with the Act.

11. Estuary Protection Act of 1968. No designated estuary will be affected by project activities. This act is not applicable.

12. Federal Water Project Recreation Act, as amended. There is no recreational development proposed for maintenance dredging or disposal. Therefore, this Act does not apply.

13. Resource Conservation and Recovery Act of 1976, (PL 94-580; 7 U.S.C. 100, et seq.) This law has been determined not to apply as there are no items regulated under this act being disposed of or affected by this project.

14. Toxic Substances Control Act of 1976, (PL 94-469; U.S.C. 2601, et seq.) This law has been determined not to apply as there are no items regulated under this act being disposed of or affected by this project.

15. E.O. 11990, Protection of Wetlands. No wetlands will be affected by project activities. This project is in compliance with the goals of this Executive Order.

16. E.O. 11988, Floodplain Management. No activities associated with this project will take place within a floodplain, therefore this project is in compliance with the goals of this Executive Order.

17. Coastal Barrier Resources Act of 1982. Coastal Barrier segment P23 is located within the project limits. This activity is exempt from coordination with USFWS because it is maintenance of a federal navigation project with the material placed on the beach. Therefore, this project is in compliance with the Act.